



U.S. Department of Justice

United States Attorney
Southern District of New York

BY ECF

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, New York 10601

The Court shall enter the proposed Order Excluding Time under the Speedy Trial Act separately.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 45.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: White Plains, New York
July 23, 2021

Re: *United States v. Juan Soto Guzman, et al.*, Case No. 21 Cr. 114 (PMH)

Dear Judge Halpern:

The Government respectfully submits this letter motion and proposed order for an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), in the above-referenced case, as further explained below.

The prior status conference scheduled for July 22, 2021 was adjourned to October 19, 2021. As the Court is aware, on July 14, 2021, the criminal clerk for the Government informed the Court that it had been advised by the Bureau of Prisons that defendant Juan Soto Guzman would not be able to be produced in-person for the status conference due to an outbreak of COVID-19 in his unit and the imposition of a two-week quarantine. On July 19, 2021, Daniel Hochheiser, counsel for Mr. Guzman, submitted a letter conveying Mr. Guzman's request that he be produced for the status conference in-person or, alternatively, for an adjournment of the conference to the next available date for an in-person status conference. (ECF No. 40.) On July 20, 2021, defendant Melfrin Abreu Polanco retained new counsel, Evans Prieston, who submitted a letter that same day requesting that the status conference be adjourned to after September 1, 2021. (ECF No. 41.) On July 21, 2021, the Government submitted a letter consenting to both defendants' requests for adjournment of the status conference. That same day, the Court adjourned the status conference to October 19, 2021. (ECF No. 42.)

The Government respectfully submits that an exclusion of time through to October 19, 2021 would serve the ends of justice and outweigh the best interest of the public and the defendants in a speedy trial because it would permit the parties to discuss a pre-trial disposition of the case, the defendants and their counsel to continue to review discovery, and the defendants to determine whether any motions are necessary in the event that the parties are not able to reach a resolution. In addition, such exclusion of time would further permit Mr. Prieston as new counsel for Mr. Polanco, to consult with his client and review the balance of discovery produced prior to his retention.

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I have been advised by Mr. Prieston, counsel for Mr. Polanco, that he consents to the foregoing request. I have been advised Mr. Hochheiser, counsel for Mr. Guzman, that he has not had an opportunity to discuss with Mr. Guzman the adjournment to October 19 and any exclusion of time, and therefore cannot provide consent at this time.

Respectfully submitted,

AUDREY STRAUSS
United States Attorney

by: /s/ Kevin T. Sullivan
Kevin T. Sullivan
Assistant United States Attorney
914-993-1924

cc: Daniel Hochheiser, Esq. (via ECF)
Evans Prieston, Esq. (via ECF)